

AMENDED IN ASSEMBLY APRIL 22, 2008

AMENDED IN ASSEMBLY APRIL 10, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2158

Introduced by Assembly Member Soto

February 20, 2008

An act to add Section 22878.3 to the Government Code, relating to state employees' health benefits.

LEGISLATIVE COUNSEL'S DIGEST

AB 2158, as amended, Soto. State employees' health benefits: blood-borne or airborne diseases.

Existing law establishes the contribution rate for the state and for state employees and annuitants for the purpose of providing health benefits to state employees and annuitants.

This bill would provide that if a state employee or an annuitant who retired from state employment and sustained an injury as the result of a work-related event that arose out of and in the course of his or her official duties as a state employee, and that meets a specified definition of a blood-borne or airborne infectious disease, and a dependent, *as defined*, or former dependent of that person contracts the blood-borne disease from that person, the dependent or former dependent may receive health care benefits sufficient to cover all medically necessary health care costs associated with the disease, for the duration of the disease. The bill would require the state to contribute the cost of providing that benefit coverage from the General Fund, upon appropriation by the Legislature. The bill would also provide that a person who elects to

receive these benefits would be prohibited from bringing a civil action against the state for damages related to contracting the disease.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22878.3 is added to the Government
2 Code, to read:

3 22878.3. (a) If a state employee or an annuitant who retired
4 from state employment and sustained an injury as the result of a
5 work-related event that arose out of and in the course of his or her
6 official duties as a state employee, and that meets the definition
7 of a blood-borne or airborne infectious disease contained in Section
8 3212.8 of the Labor Code, and a dependent or former dependent
9 of that person contracts the blood-borne infectious disease from
10 that employee or annuitant, the dependent or former dependent
11 may elect to receive health care benefits sufficient to cover all
12 medically necessary health care costs associated with the disease,
13 for the duration of the disease. The state shall contribute the cost
14 of providing that benefit coverage from the General Fund, upon
15 appropriation by the Legislature.

16 (b) If the dependent or former dependent elects to receive
17 benefits pursuant to this section *that do not already exist*, his or
18 her election shall constitute the sole and exclusive remedy of the
19 dependent or former dependent against the employer of the
20 employee or former employer of the annuitant and the dependent
21 or former dependent may not bring a civil action against the state.

22 (c) For purposes of this section, “former dependent” means a
23 person who was diagnosed with a blood-borne or airborne
24 infectious disease, which was contracted from a person covered
25 under Section 3212.8 of the Labor Code while a dependent of that
26 person, but the dependency relationship has terminated.

27 (d) *For purposes of this section, “dependent” has the meaning*
28 *provided by Section 17056 of the Revenue and Tax Code.*

29 (e) It is the intent of the Legislature that this section apply
30 retroactively.

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